

Remarks

Claims 11, 12 and 17-20 are currently pending in the application. Claims 1-10 and 13-16 have been cancelled without prejudice. Claims 11, 12 and 17-20 have been amended into independent form by including all of the limitations of the original base claims and any intervening claims. The specification has been amended to include reference character "31" following the recitation of "outer edge" and to change the recitation of "locking protrusion" to "engagement protrusion". Support for these amendments can be found in original specification paragraphs 24 and 26 and original claim 3. Accordingly, no new matter has been added.

Claim For Priority

The present application claims foreign priority to Japanese Patent Application No. 2002-356488, filed December 9, 2002. The Examiner has failed to acknowledge Applicants claim for priority. However, a certified copy (copy of first page attached) of the above-listed Japanese Patent Application was filed with the instant application, as indicated on the application transmittal sheet and postcard receipt submitted with the instant application (copies attached). Applicants respectfully request that the Examiner acknowledge receipt of the certified copy of the Japanese Patent Application in the instant application.

Objections to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "31." In accordance with the Examiner's comments, paragraphs 24 and 26 have been amended to include reference character "31" following the recitation of "outer edge". In view of the amendments to the specification, Applicants respectfully submit that the drawings are in full compliance with the requirements. Applicants respectfully request that the objection to the drawings be withdrawn.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner states that it is unclear if Applicant has positively claimed

“the holding wall or a portion of the holding wall” in lines 2-3. Further, the Examiner states that the recitation of “engagement protrusion” line 4 is unclear in light of the recitation of “locking protrusion” in the specification.. Applicants have cancelled claim 3 thereby rendering the Examiner’s rejections of claim 3 moot. However, as claim 3 has been incorporated into currently amended claims 12 and 19, Applicants have amended the phrase in lines 2-3 by placing it in proper Markush form (MPEP 2173.05(h)). Further, Applicants have amended the specification to recite “engagement protrusion” instead of “locking protrusion”.

The Examiner has also rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner states that the recitation of “sealing side member” in line 3 lacks antecedent basis. Applicants have cancelled claim 2 thereby rendering the Examiner’s rejections of claim 2 moot. However, as claim 2 has been incorporated into currently amended claims 11, 12, 18 and 19, Applicants have amended the phrase in line 3 to provide proper antecedence.

Applicants respectfully submit that claims 11, 12 17-20, as amended are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph, and request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim Rejections

The Examiner has rejected claims 1 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,336,936 (Mullin). Further, the Examiner has rejected claims 1-10 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Mullin in view of U.S. Patent Application Publication No. 2004/0036232 (Fluck). Applicants have canceled claims 1-10 and 13-16 thereby rendering the Examiner’s rejections of these claims moot.

Allowable Subject Matter

Applicants would like to thank the Examiner for indicating that claims 11, 12 and 17-20 are allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. By the foregoing Amendment, each of claims 11, 12 and 17-20 have been placed into independent form.

Conclusion

In view of the foregoing Amendment and remarks, Applicant respectfully submits that the present application, including claims 11, 12 and 17-20, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,
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MGB/MTV

日 本 国 特 許 庁
JAPAN PATENT OFFICE

別紙添付の書類に記載されている事項は下記の出願書類に記載されている事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed with this Office.

出 願 年 月 日 2 0 0 2 年 1 2 月 9 日
Date of Application:

出 願 番 号 特 願 2 0 0 2 - 3 5 6 4 8 8
Application Number:
[ST. 10/C]: [J P 2 0 0 2 - 3 5 6 4 8 8]

出 願 人 太 平 洋 工 業 株 式 会 社
Applicant(s): 株 式 会 社 デ ン ソ ー

2 0 0 3 年 8 月 7 日

特許庁長官
Commissioner,
Japan Patent Office

今 井 康



NON-PROVISIONAL
UTILITY PATENT APPLICATION
TRANSMITTAL - 37 CFR 1.53(b)

☐ Duplicate
(check, if applicable)

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: 600791-9US (ZUS-032TAE)
First Named Inventor: Masahiko YAMAMOTO et al.
Express Mail Label No.: EV312205305US
Total Pages of Transmittal Form: 3

Transmitted herewith for filing is the non-provisional utility patent application entitled:

**NOZZLE CAP FOR SEALING NOZZLE PARTICULARLY USED TO CHARGE WITH
HIGH PRESSURIZED FLUID**

which is:

an ☒ Original; or

a ☐ Continuation, ☐ Divisional, or ☐ Continuation-in-part (CIP)

of prior Application No. filed.

Anticipated Group/Art Unit: or Class, Subclass.

☐ This non-provisional patent application is based on Provisional Patent Application No. ,
filed .

Enclosed are:

☒ Specification (including Abstract) and claims: 18 pages.

☒ 7 sheets of drawings (formal).

☐ Application Data Sheet.

☒ Newly executed Declaration (copy).

☐ Copy of Declaration from prior application.

☐ Separate Power of Attorney (including 37 CFR 3.73(b) statement, if applicable).

☐ Microfiche computer program (Appendix).

☐ Nucleotide and/or Amino Acid Sequence Submission, including:

☐ Computer readable copy ☐ Paper Copy ☐ Verified Statement.

☒ Under PTO-1595 Cover Sheet, an assignment of the invention

☒ Name of Assignee: **Pacific Industrial Co., Ltd. and Denso Corporation**

☒ Certified copy of Japanese Application No. 2002-356488 filed December 9, 2002
is filed: ☒ herewith or ☐ in prior application.

- ☐ Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under 37 C.F.R. §1.27 as ☐ an Independent Inventor, or ☐ a Small Business Concern, or ☐ a Non-Profit Organization.
- ☐ Preliminary Amendment.
- ☒ Information Disclosure Statement, PTO/SB/08A, and cited references.
- ☐ Request for Nonpublication of Application Under 35 U.S.C. §122(b)
- ☐ Other:

The filing fee is calculated as follows:

			SMALL ENTITY			LARGE ENTITY	
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE:			BASIC FEE:	
			\$385			\$770	
Total	20-20 =	0	X9	\$	OR	X18	\$
Independent	1- 3 =	0	X43	\$	OR	X86	\$
<input type="checkbox"/> Multiple Dependent Claims Present			\$145	\$	OR	\$290	\$
			TOTAL	\$	OR	TOTAL	\$ 770.00

- ☐ The Commissioner is not authorized to charge the filing fee at this time as we elect to defer payment of the entire filing fee until receipt of a Notice to File Missing Parts
- ☒ A check in the amount of \$770.00 to cover the filing is enclosed.
- ☒ The Commissioner is hereby authorized to charge and/or credit **Deposit Account No. 50-1017 (Billing No. 600791.0009)** as noted below. A duplicate copy of this sheet is enclosed.
- ☒ Any overpayments or deficiencies in the above-calculated fee.
- ☐ Filing fee in the amount of \$_____ as calculated above.
- ☒ Any additional fees required under 37 C.F.R. § 1.16 and § 1.17.
- ☒ In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

CORRESPONDENCE ADDRESS

November 14, 2003
(Date)

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Enclosures

New U.S. Non-Provisional Patent Application for Masahiko YAMAMOTO, et al. entitled
NOZZLE CAP FOR SEALING NOZZLE PARTICULARLY USED TO CHARGE WITH
HIGH PRESSURIZED FLUID
Express Mail Label No.: EV312265305US

Attorney Docket No.: 600791-9US (ZUS03-032TAE) Mailing Date: November 14, 2003
MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22389 U.S. PTO
10/713124



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Kindly date stamp this card and return it to the undersigned to evidence receipt of the enclosed:
\$770.00 Check (No. 87063); \$40.00 Check (No. 87062); Non-Provisional Patent Application
Transmittal, in duplicate; Specification and Claim, Total Pages: 18; Drawing(s), Total Sheets: 7;
Executed Declaration and Power of Attorney (Copy); Form PTO-1595 Assignment Recordation
and Assignment Document (copy); Certified Copy of Japanese Priority Document No. 2003-
356488; Information Disclosure Statement; Form PTO/SB/08A w/refs.

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